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DEPARTMENT FOR A/S KRAMER AND DRL, AND DAS BRYZA AND  
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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [KJUS](#) [AM](#)

SUBJECT: ARMENIA'S OMBUDSMAN HOLDS HIS OWN AT PARLIAMENTARY  
HEARINGS ON MARCH 1 EVENTS

REF: YEREVAN 421

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(U) Sensitive but unclassified. Please protect accordingly.

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SUMMARY  
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¶1. (SBU) In late May Armenia's Prosecutor General and Minister of Justice finally responded to the critical April 25 report issued by Armenian Human Rights (Ombudsman) Armen Harutiunian that assailed the authorities for the violent March 1-2 post-election crackdown that left ten citizens dead (reftel). Instead of supplying the much-anticipated answers that Armenian society had hoped for, the two top law and justice officials viciously counter-attacked, criticizing the Ombudsman for politicizing the situation and exceeding his mandate. In a public June 5 parliamentary hearing, however, where all three officials addressed the report's content and answered questions afterwards, Harutiunian ably held his ground -- strengthening Armenia's nascent Ombudsman institution in the process. END SUMMARY.

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OMBUDSMAN UNDER ATTACK  
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¶2. (SBU) For almost a month after the Ombudsman's critical ad-hoc report was issued on April 25, silence prevailed in Armenia's official circles. But at the end of May -- and coincidentally when the Ombudsman was out of the country -- the Prosecutor General's Office and the Ministry of Justice both released "objections" to the report, questioning whether the Ombudsman even had the mandate to publish such a report in the ad-hoc format that he chose. At the same time, representatives of the top law and justice bodies began appearing on various TV stations, including Armenian public television -- Armenia's most watched channel, which to that point had declined covering the report -- where they aggressively slammed the report as biased, politicized and pro-opposition. In spite of the uproar, however, two parliamentary committees, those on Human Rights and European Integration, decided to hold hearings on the report on June ¶5.

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OMBUDSMAN STRIKES BACK  
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¶3. (SBU) The June 5 hearings were well attended, including many MPs, NGOs, human rights activists, and representatives

of international organizations. In a methodically-prepared address, Harutiunian first commended the fact that the hearing was taking place, commenting "better late than never." He then struck back at the Prosecutor General (PG) and Minister of Justice (MoJ), asserting that they had perverted the content of his report, mischaracterized its major points, and taken phrases out of context. He contended that the two officials had distorted his report in order to create a "straw man" that would fit their criticisms. He concluded by saying that the authorities could either seek the truth or try to suppress it. On the same day, Harutiunian posted on his website detailed and legally substantiated responses to the PG's and MoJ's objections.

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RULING PARTY GOES ON OFFENSIVE  
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¶4. (SBU) A well-rehearsed attack by MPs from Armenia's ruling Republican Party (the party of new President Serzh Sargsian) followed the Ombudsman's address. Instead of discussing the report's content, most Republican MPs attacked Harutiunian's character and the legality of his actions, asserting that his unsolicited report was politically motivated to smear the authorities. Some blamed him for excluding items from the report that had in fact been included, and then mentioned things being included in the report that had not been raised at all. MP Armen Ashotian, the Republicans' ambitious, young and very public attack dog, alleged the Ombudsman had consulted with the international community in preparing the report, and was hence carrying out foreigners' orders. Some of Ashotian's colleagues even went as far as to blame the Ombudsman for the terrible human rights situation in the country, alleging that he had not been carrying out his job well. He was also bluntly reminded several times about the fact that he used to work for recently departed President

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Kocharian, whom he criticized in the report. (NOTE: Not all Republican MPs carried water for the authorities. See para 7 below. END NOTE.)

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OMBUDSMAN SCORES PUBLIC VICTORY  
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¶5. (SBU) The Ombudsman deftly parried the questions that followed his address, subtly mocking the most absurd ones and explaining the basics of his institution's work. (COMMENT: Established in 2004, the Ombudsman institution is a relatively new concept for Armenia, and it is conceivable that not even its legislators, who were born in a different country with a different mentality, have a well-informed idea of what functions such an institution serves. END COMMENT.) Harutiunian confessed in the Q&A session that working as an Ombudsman had radically changed his perspective on Armenia's human rights situation. He said that "the Armen Harutiunian of today, and the one of two and half years ago -- when he worked for Kocharian -- were two entirely different persons." He also said that he does not claim that his report is perfect; however, he asked some questions that society couldn't ask, and insisted that these need to be answered.

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PROSECUTOR GENERAL TANKS AT HEARINGS  
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¶6. (SBU) Prosecutor General Aghvan Hovsepian took the podium after the Ombudsman's appearance had concluded with cheers from the gallery. Instead of rebutting Harutiunian, however, the PG cited extracts from his initial objections. His speech, which resembled more an accusatory statement, was greeted with inauspicious silence by committee members. (COMMENT: The cornerstone of the PGs and MoJ's objections were that the Ombudsman had exceeded his mandate. However, Armenia's Law on the Ombudsman clearly states that he can

publish reports on violations of human rights. By the end of the hearings, it seemed that this point had been generally accepted. The PG appeared to have embarrassed himself at the podium, which national media documented in their articles the following day. END COMMENT.)

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PG GRILLED BY A RULING PARTY MP  
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¶7. (SBU) During the Q&A session with the PG, Republican Party MP Davit Harutiunian (no relation to the Ombudsman), who also heads the parliamentary committee on State and Legal Affairs, unexpectedly went after the PG, asking Hovsepian whether there was a single statement in the Ombudsman's report that required clarification. Hovsepian refused to answer, saying that he and the MP could talk about this in private. Harutiunian also drew the gallery's attention to the fact that the objections of the PG's office and those of the MoJ were suspiciously similar, and some extracts had been copied and/or pasted from each other.

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PG STONEWALLS  
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¶8. (SBU) The PG did not provide a single responsive answer to any of the questions asked by various participants at the June 5 hearings. MPs from the Heritage Party, the sole parliamentary opposition, lawyers of detained political activists, and human rights activists bombarded the PG with questions about March 1, the ad-hoc report, and specific criminal cases against detained political activists. Hovsepian simply ignored many of the questions, frequently asserting the need for secrecy in the investigation. He also went out of his way to insult Seda Safarian, the sister of Heritage MP Stepan Safarian and a lawyer who is defending some of the detained political activists, by telling her "to keep her breath for the court room, where it is more needed." (NOTE: A/S Kramer will meet with Heritage MPs during his visit, including Safarian. END NOTE.)

¶9. (SBU) When asked by Heritage MP Safarian why Armenia's law enforcement bodies have failed to date to show in full, unedited form the footage that they took on March 1-2, the PG admitted the existence of such footage but said that corresponding extracts have been attached to criminal case materials, and that the PG's office did not have a moral propaganda function. (COMMENT: Immediately following the

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crackdown, Armenian public television showed carefully selected extracts in an effort to cast blame for the violence of March 1-2 on opposition activists. END COMMENT.) The PG also declined to answer questions about the legal status of Levon Ter-Petrossian's de facto house arrest; he and other state bodies have consistently denied LTP was/is under house arrest. (COMMENT: LTP was under de facto house arrest until late April, after being told on March 1 that he could leave his home only if he agreed to forego his state-provided security detail. This changed in early May, when he was allowed to leave his home with his detail, as long as he gave 30 minutes advance warning on his intended movements. END COMMENT.)

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JUSTICE MINISTER SAVES FACE  
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¶10. (SBU) Minister of Justice Gevorg Danielian, drawing some lessons from the heated debates that preceded his trip to the podium, delivered a more constructive address. While he did not question the professionalism or permissibility of the Ombudsman's report, he argued that the format in which the report was prepared made it very difficult for law enforcement and other state bodies to respond. (COMMENT:

According to Embassy contacts, people who were sitting next to the PG during the MoJ's presentation at the hearings heard the PG angrily exclaiming, "he changed it," indicating that Danielian had ostensibly broken a pact to deliver equally harsh criticism of the Ombudsman. END COMMENT.)

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SOME COALITION PARTNERS NOT AS TOUGH  
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¶11. (SBU) The day-long hearings concluded with representatives of all five parliamentary factions delivering brief addresses. In comparison with their coalition partners from the Republican Party, members of the junior coalition partner Prosperous Armenia (PA) party went easier on the Ombudsman. PA's Aram Safarian declared that the institution of the Ombudsman had finally been established in Armenia, and that all of his party's comments were aimed to help rather than to criticize. Dashnak MPs expressed similar views, despite the fact that one of its MPs, Alvard Petrosian, had slammed the Ombudsman a day before, charging that he was trying to please the opposition with this report. Petrosian claimed that the PG and the MoJ objections were fair, since it is their duty to protect the interests of the state.

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PARLIAMENTARY AD-HOC COMMITTEE NEEDED  
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¶12. (SBU) Artashes Avoyan, an MP from Orinats Yerkir -- now a loyal coalition partner but rabidly oppositionist until the disputed February presidential election -- sharply criticized the report. Republican MP Rafik Petrosian commented that the report, instead of becoming a tool for cooperating with the law enforcement bodies, aimed only to criticize them, and accused the Ombudsman of adopting the views of the opposition, who longed for power through illegal means. However, despite differences of opinion, all speakers from the various factions admitted the need for the creation of an ad-hoc parliamentary commission for investigating the election aftermath. (NOTE: MPs from the Heritage party faction did not make any concluding speeches, since they were boycotting the end of the hearings following a refusal by the moderator to allow one of their members to speak. END NOTE.)

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COMMENT  
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¶13. (SBU) Even though the hearings did not provide the answers sought by the Ombudsman in his ad-hoc report, they served a useful purpose by publicizing the report, and by spurring at least some discussion among public officials of the tragic election aftermath. The hearings showed that there is an acute need in Armenian society to talk about these issues. By resorting to often absurd objections to avoid answering these questions, the authorities only delay the moment when they will have to give an accounting of what truly transpired on March 1-2. END COMMENT.  
PENNINGTON